The Rise and Decline of Select Committees in Congress

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Abstract

We examine the development of the committee system of the U.S. House of Representatives from the 1st to 20th Congress (1789–1829), focusing on the select committee system. The First Congress did not have any legislative standing committees, but relied instead on a series of ad hoc select committees. Across the period covered in this paper, select committees were replaced by standing committees, measured by the number of committees appointed and the percentage of House members appointed to the two types of committees. However, we find that, although membership on standing committees did not become universal until the 1820s, even by 1800 most legislative business brought before the House was removed from the select committees and channeled to standing committees. We also find, contrary to claims that the early Congress was characterized by strong norms of legislator equality, select committee appointments were more likely to be given to veteran House members, majority party members, and members with a college education. This preliminary paper reopens a strand of analysis that has gone dormant for nearly two decades about how the House eventually settled on a legislative process dominated by standing committees.

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The early institutional development of Congress has elicited regular interest among scholars because it offers a rare glimpse into the creation of a national legislature from scratch. To be sure, based on their own direct experience and reading, members of the earliest Congresses knew the long history of European and North American legislatures (Harlow 1917). James Madison was around for those who were inexperienced or behind in their reading. Still, the Constitution provided organizational opportunities for Congress that had been foreclosed by the Articles of Confederation. Members of the new Congress came from states with a varied set of institutional practices. Nothing about the new American Congress was foreordained.

Among the major systems of congressional organization that developed in the early Congress, two stand out for the attention they have received in the literature: the rules of floor consideration and the committee system (Follett 1896; McConachie 1898; Fuller 1909; Polsby 1968; Polsby et al 1969; Cooper 1970; Leintz 1978; Hoadley 1980; Skladony 1985; Cooper and Young 1989; Gamm and Shepsle 1989; Bach 1990; Binder 1995, 1996, 1997; Jenkins and Stewart, 1998, 1999; Jenkins 1998; Stewart 2007; Resch et al 2016). Both are intertwined, of course, but each represents different settings, strategic considerations, and actors. In this paper we take up the second system, the committees.

The development of the congressional committee system has a long and interesting historical arc. Despite the constitutional freedom given to the early Congress to experiment with legislative institutions, the early Congress largely kept to the ethos inherited from the Confederation Congress. Standing committees were eschewed in favor of *ad hoc* select committees, appointed to consider each piece of legislation proposed by a member or petition presented by a constituent. Gradually, work in both chambers migrated from the *ad hoc* select committees to the standing committees. By the 1850s standing committees ruled the committee landscape.

In the 1980s and 1990s, scholars of legislative institutionalization turned their attention to the early history of Congress, and specifically to the transition from select committee dominance to standing committee dominance. (See, for instance, Skladony 1985; Gamm and Shepsle 1989; Cooper and Young 1989; Jenkins and Stewart 1998, 1999; Stewart 2007.) The literature tended to be descriptive, aimed at documenting the workflow of the legislative process and understanding what gave rise to critical features of committee consideration of legislation, such as gatekeeping and agenda setting.

Scholars working on the topic of how the role of congressional committees evolved in the first half century of American history labored under a relatively weak set of analytical tools and data limitations. Record keeping in the early Congress was often haphazard. Press coverage of congressional machinations was spotty and more attuned to partisanship and personality than to questions of organizational detail.[1]

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[1] A good example of this was recounted in Jenkins and Stewart (1998, p. 34). What was probably the critical rules change that elevated standing committees over *ad hoc* select committees occurred in 1822, when a select committee on "modifications to the standing rules of the House" recommended that standing committees have full rights of bill referral within their jurisdiction, and that they could report bills to the floor at their own discretion. Further, the committee recommended making three select committees that had achieved the status of "quasi-standing committees" (Military Affairs, Naval Affairs, and Foreign Affairs) standing committees within the rules of the House. *Niles Weekly Register,* in reporting on the proceedings to change the rules, reported that debate on the

Many of these barriers remain to this day, but tools available to scholars to parse large amounts of text and numbers make it worth our while to revisit the transition from select to standing committees. The empirical focus of this paper is on the composition and workload of House select committees from the 1st to the 20th Congress (1789–1829). Utilizing a dataset first collected by Canon, Nelson, and Stewart (2002), we explore the use of new statistical and computational techniques to come to a better understanding of the select committee composition during this period. As a general matter, we conclude that the select committees did not represent a stable division of labor, or even an incipient one, as some have surmised. Rather than embody an egalitarian ethos of spreading the influence evenly throughout the chamber, the committee system as a whole favored the majority party, southerners, political veterans, and those who had attended college.

This paper is a first step in a long term project to document the evolution of committees in Congress in the early years of its history, and the flow of legislation more generally. For the moment, we ignore the Senate, which also developed a committee system roughly in parallel with the House. (Indeed, it has been argued that the Senate beat the House to the practice of privileging standing committees in its flow of legislation, which spurred the House, in turn, to innovate on its own.)

This paper proceeds as follows. First, we review the early history of the congressional committee system. Second, we discuss the data used in this paper and describe its basic contours. Third, we conduct two statistical analyses on the data which are aimed at understanding better the structure of the division-of-labor system that the select committee system embodied. The first explores the distribution of committee assignments along party,

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proposal took up nearly the entire afternoon, but that "the matters are not of interest enough to our readers to detail…." (*Niles Weekly Register,* Mar. 16, 1822, p. 47)

regional, and other lines; the second explores whether a latent division-of-labor can be discerned through the appointment patterns of select committee members. The final section concludes and offers closing thoughts about future research on this project.

The Historical Origins of Congressional Committees

Member of the First Congress inherited a rich history of legislative committees, reaching back to the English Parliament in the mid-1500s and extending to state legislatures by the time the U.S. Congress convened in 1789 (Harlow 1917, p. 3). Nonetheless, the rules adopted by the House when it first assembled in 1789 were simple and said little about committees.[2] In fact, there were no standing committees in the original rules of the House. Speakers were made responsible for appointing (ad hoc) committees with three or five members; the whole House was responsible for appointing larger committees. These rules were augmented soon thereafter, however, allowing "any member [to] excuse himself from serving on any committee, at the time of his appointment, if he is then a member of two other committees" and establishing a standing committee on elections (*Journal,* 1-1, Apr. 13, 1789, p. 13).

The requirement that the full body ballot for committees became onerous quickly. In all likelihood, the House came to rely on the Speaker's committee "nominations," rather than devote precious floor time to deliberating the composition of each and every committee (Gamm and Shepsle 1989, p. 42). As a consequence, the House altered the floor-election provision of the rules when it convened at the start of the second session of the First Congress, giving the Speaker the power to appoint all committees, not just the small ones (*Journal,* 1-2, Jan. 13, 1789, p. 140).

In the absence of a standing committee system, the House conducted its business by appointing *ad hoc* select committees to consider every piece of legislation that come before the

[2] This discussion of committee development is adapted from Jenkins and Stewart 1999.

body. Canon, Nelson, and Stewart (2002) record the appointment of 220 select committees in the first Congress, all but 11 of which consisted of a unique subset of the whole House.[3] The Committee on Elections investigated election disputes and reported back its findings, and thus did not consider legislation, per se. By the 20th Congress (1827–29), the House had 26 standing committees, with 23 select committees appointed along the way.

Figure 1 shows the number of select committees appointed each Congress during the period covered by this paper;[4] Figure 2 shows the number of standing committees. Table 1 reports the Congresses when standing committees were first appointed during this period.

[Figures 1 and 2 about here]

[Table 1 about here]

In describing the broad contours of the growth of the House standing committee system and its eclipse of the select committees, one important detail bears mentioning. Around the 12th Congress (1811–13), the House began regularly appointing a series of select committees, charging them with taking under consideration broad subjects contained in the president's annual message. Once established, they were often referred bills and petitions that touched on the same subject. These committees "on the president's message" came to be reappointed routinely at the beginning of each session, although they were never added to the standing rules. Starting with the 14th Congress they were authorized to report by bill (*Annals*, 14-1, Dec. 6, 1815, pp. 376-77;

[3] The data analyzed in this paper is the raw data file used to create the Canon, Nelson, and Stewart volume, and is available from the authors.

[4] Figure 1 also breaks down the number of select committees appointed by session. During this period, committees expired at the adjournment of a session, not a Congress. Any committee that was still conducting business across a session break would need to be appointed in the following session. It is therefore the case that the total number of select committees appointed during a Congress includes a bit of double counting. However, as shown below in Figure 4, most select committees reported back to the House with a recommendation (and thus were dissolved) before the end of the session in which they were appointed. Among those that did not report back before the end of the session, most were not renewed in the next session. Therefore, although we have yet to quantify the number of truly unique select committees each Congress, the number of redundant committees is not large enough to affect the analysis reported here.

Cooper 1988, p. 58). Thus, while they were not formally standing committees, they were practically treated as such by the House membership, earning them the label "semi-standing" by Skladony.

The fact that the House tolerated the existence of three important committees (Foreign Affairs, Military Affairs, and Naval Affairs) in this sort of parliamentary limbo of "semi-standing" begs the question of whether the select-standing committee distinction was considered all that important among early nineteenth century parliamentarians. The fact that no scholars have been unable to find any contemporary political actor or commentator expound on the distinction between standing and select committees in the early nineteenth century gives us at least a little pause as we move ahead and try to understand why the early committee system evolved as it did.

Focusing back on the select committee series in Figure 1, there are three periods, even for such a brief moment in congressional history. The first three Congresses saw a very large number of select committees appointed — around 200–250 per Congress, or, on average, one every other day.[5] The number of select committees then dropped precipitously in the 4th Congress, going to about half the previous rate, and remained at around 120 per Congress until the 14th Congress. (We attribute the spike in the 12th and 13th Congresses to the increase in war-related matters, especially claims, associated with the War of 1812.) Following the war, the number of select committees appointed each Congress began a steady decline, reaching a low of 23 in the 20th Congress, or an average of one new select committee every other week.

The first big drop in the number of select committees, in the 4th Congress, was most likely caused by the creation of the Claims Committee at the end of the 3rd Congress and then

[5] The first three Congresses were in session a total of 516, 314, and 309 days, respectively.

the creation of the committees on Commerce and Manufacturers and on Ways and Means at the beginning of the 4th Congress. At least 233 items (bills, petitions, and memorials) were referred to these three committees in the 4th Congress — items that most likely would have resulted in the appointment of separate select committees had the standing committees not already been created.[6] (See Table 2 for an accounting of the number of items referred to the standing committees from the 1st to the 20th Congress.) Throughout the period covered by this paper, the Claims Committee, on average, received the most referrals of any House committee, while the Commerce and Manufactures and the Ways and Means Committees received the most referrals among committees devoted to general legislation.

[Table 2 about here]

The second big drop in the number of select committees, following the War of 1812, coincided with the creation of the standing committee on Pensions and Revolutionary Claims, to which were referred 137 items in the first Congress of its existence, making it one of the busiest committees immediately upon its creation. Over the next decade other standing committees with a regular stream of referrals were created, pulling business away from the select committee system. Most notable was the conversion of the "quasi-standing committees" to standing committees in the 17th Congress.

Prior research on the select committee system was impressed by the number of select committees that continued to be appointed in the House through the 1810s, even as the number of standing committees — and the chamber business funneled through them — grew. By Skladony's (1985, Table 5) accounting, the number of bills reported from standing committees

[6] The number of referrals to each committee was estimated by conducting automated textual analysis on the House *Journal*. Because the referral of bills and petitions to committees followed stereotypical language in the *Journal*, it is relatively easy to tag instances in which matters were referred to standing committees. However, there are typographical errors that remain to be cleaned, and therefore the analysis presented here is preliminary.

drew to parity with the select committees as early as the 5th Congress. Our own analysis suggests that as far as the *referral* of items to the committees is concerned, standing committees began to dominate select committees even before then.

This point is illustrated in Figure 3, which reports where bills and petitions were referred to by the House between the 1st and 20th Congresses. Cabinet officers dominated House referrals in the first two Congresses, receiving about as many petitions and requests for information as the select and standing committees combined. Referral of legislative items to the cabinet dropped significantly in the 3rd and 4th Congresses, consistent with the Jeffersonian suspicion of Alexander Hamilton's role as a de facto prime minister, and the general rejection of legislative leadership from the Federalist executive branch by a legislative branch that was coming to be dominated by Republicans.[7] At first, business that had previously been sent to the cabinet was referred instead to select committees. However, with the coming of the 4th Congress (and the creation of the Claims and Ways and Means standing committees) referrals to standing committees began to vastly outpace the amount of business sent to the select committees, eventually plateauing at about 1200 items by the 20th Congress.

[Figure 3 about here]

We have provided an accounting of the distribution of legislative inputs in the early years of the Republic. We have not accounted for outputs, that is, where successful legislation came from during this time. Skladony reports that by the first session of the 20th Congress, 90% of all

[7] Despite attention to the role of Alexander Hamilton in guiding legislative business during this time, the Secretary of War eased out the Secretary of the Treasury for referrals in the first three Congresses, as the following table indicates:

Cong.	Referred to Treasury Sec'y	Referred to War Sec'y
1	90	102
2	90	112
3	37	56

bills reported to the House came from standing committees, and that bills reported from standing committees were twice as likely to pass as bills reported from select committees (Skladony 1985, Tables 5 and 7). Nothing in our research contradicts that, although we have not yet undertaken the work to confirm it.

Related to the issue of legislative outputs is the matter of gatekeeping. In the earliest years, committees did not have gatekeeping authority, at least in theory. In the earliest practice, the House would first debate an issue brought before it and then, when the issue was ripe, a motion would be entertained to refer the matter to a select committee for drafting before the bill would be debated once more and (presumably) approved.

A good example of this flow of the legislative process occurred early in the First Congress, when the House was deliberating the first tariff bill. Having spent considerable time in the Committee of the Whole debating rates on a long list of items (e.g., on molasses, per gallon, 6 cents; on Madeira wine, per gallon, 25 cents, etc.), the House passed a resolution that "this House doth concur with the committee [of the Whole] in the said resolution [fixing tariff rates], and that Mr. Clymer, Mr. White, and Mr. Baldwin do prepare and bring in a bill or bills pursuant thereto (*Journal* 1-1, April 28, 1789, p 23). A little over a week later, "according to order," Clymer presented from the committee "a bill for laying a duty on goods, wares, and merchandises, imported into the United States." (*Journal* 1-1, May 5, 1789, p. 28). The next day a motion was passed committing the bill to the Committee of the Whole, where it was further amended, reported back to the House, passed, and sent to the Senate.[8]

The legislative path just described was the norm in the early Congress, but not all committees eventually returned to the House with a bill, even when directed to. For example, on

[8] The bill was finally signed into law by President Washington (*Journal* 1-1, July 6, 1789, p. 59).

June 1, 1789, a three-member committee was appointed "to prepare and bring in a bill, or bills, to establish an [sic] uniform system on the subject of bankruptcies throughout the United States" (*Journal* 1-1, June 1, 1789, p. 42). As far as can be ascertained, the committee never reported a bill back to the House.

Figure 4 summarizes how often select committees finished their business before the end of the session in which they were appointed. For the first decade of its history, almost nine out of ten committees returned to the floor with a report of their deliberations and, more often than not, a bill to be considered by the House. However, over time the fraction of committees actually reporting back began to slip, so that by the end of the period covered by this paper, between ¼ and 1/3 of select committees never returned a report to the House. Of course, by the 20th Congress, by far most legislation was referred to standing committees — most of which died a quiet death. Therefore, even though select committees appeared to exercise more gatekeeping power as time went on, it is likely that if a bill was referred to a select committee, its chances were better than if it was referred to a standing committee.

[Figure 4 about here]

We have focused here on laying out the contours of the House committee system during the first twenty Congress and presenting some preliminary evidence about how legislation flowed through the committee system. For the rest of this paper, we move past these institutional questions to explore *who* served on committees. Given the "Jeffersonian ethos" of equality that surrounded norms of legislative behavior in the earliest Congresses, were committees composed of representative cross sections of members, or did particular types of members — described by party, ideology, experience, region, etc. — tend to dominate? Did the select committee system evolve over time into a de facto division of labor that tended to group experienced members

together repeatedly to consider legislation on similar topics, or were select committees one-shot affairs that are unlikely to lead to lead to the development of expertise? It is to questions such as these that we turn for the remainder of this paper.

The Data

The dataset we analyze for the rest of this paper was gathered by poring over House *Journals* from the first Congress to the 79th. A print version of the dataset is available in Canon, Nelson, and Stewart (2002). The electronic version of that dataset is available from the authors.

The most important point to make about this dataset is that is it based on the House *Journal*, and not accounts of debates, such as the *Annals of Congress* and the *Register of Debates.* In modern congressional studies, it often does not matter whether one relies on the *Journal* or *Congressional Record* to gather data about committee membership, but in the earliest Congresses, it most certainly did. (See Resch et al 2016 on precisely this point.) Furthermore, because the indices of the earliest *Journals* were haphazardly constructed, they are an unreliable source of information about the appointment of select committees in the early days of the Republic. (Thus, compilations that rely on the index, such as Stubbs (1985), significantly undercount select committees.) The Canon, Nelson, and Stewart dataset was based on a page-by-page reading of the *Journal* for the earliest period. One task we anticipate doing in the future is relying on computer-based parsing of the *Journal* text, to catch overlooked select committees from the earlier, low-tech data-gathering procedure.

The Structure of Individual Select Committee Membership

In this section, we focus on the structure of select committee membership, and in particular, the number of select committees to which members were appointed each Congress. In doing so, we

assume that the number of select committees a member was appointed to is a valid measure of the influence the member had over the legislative production of the House. Of course, this assumption may be incorrect; the assumption depends critically on the substance of the matters the committees considered. For now, we leave this point to the side, but anticipate revisiting it in future research.

For reference, Figure 5 shows the distribution of the number of committees per member for each Congress. Throughout this period, the mean number of committees declined, but consistently showed significant variation within Congress.

[Section 5 about here]

In the first three Congresses (before Claims and Ways and Means became standing committees), most members served on a large number of select committees. The member with the most committees in the first Congress was Thomas Fitzsimons, a Pro-Administration member from Pennsylvania who was appointed to 34 committees, of which he chaired 20. A perusal of the committees to which he was appointed included a small number of individual claims, and a large number of matters that were critical to the new nation, such as establishing tariffs (mentioned above), establishing the executive departments, compensating members of the government, governing the western territories, and measures to "settle accounts with the states."

In several instances, he was appointed to committees that seemed to be related to previous committees he had served on. For instance, after serving on the committee to establish executive departments, he later served on a committee to establish the Post Office, and to a committee amending the act establishing the Treasury Department. Having chaired the committee to bring in a bill governing the western territories in the first session, he later served

on a committee in the third Congress to consider "the President's message regarding the prospect of frontier hostilities."

It is unclear why Fitzsimons was so frequently used as a committee member and chair. While he was a war hero, he was not particularly prominent in Pennsylvania politics. (In fact, he was defeated for reelection in 1798 and never held public office again.) He was from Pennsylvania, the home-state of the first Speaker of the House, Frederick Muhlenberg, and had served in the Pennsylvania legislature while Muhlenberg was speaker there. The high value of his DW-NOMINATE score (0.540) put him on the "soft" side of proto-Federalist sympathizers, which probably means that he could work with both sides of the aisle on the most nettlesome of issues. Unfortunately, all of these is speculation at this point.

Starting with the 4th Congress, select committee service became much less common, but most members served on at least a couple of select committees each Congress. It was not until the 17th Congress that the modal number of select committees became zero, marking the full transition to the select committee system.

The effect of valence traits on select committee service: Education, seniority, and prior experience

One theme that threads much of our analysis is an effort to distinguish between three competing stories that can be told about the select committee system at this time. The first is the Jeffersonian egalitarian ideal we have previously mentioned. The observable implications of this view is that members would be roughly equally represented on committees, and that whatever variation there is among members' committee assignments does not appear to be systematic. Neither of these are borne out in the data. There is substantial variation across members. Moreover, as we show, several factors do explain much of this variation.

The next two stories do predict systematic variation in members' experiences. The first of these mirrors the partisan theory of the modern standing committee system (e.g., Cox & McCubbins 2007). In this view, the select committee system in the early Congress is best understood as a vehicle for advancing a particular party, or a particular ideological or regional faction. According to this view, we would expect members with a particular ideology, party or region to be over-represented in the committee system.

According to the final interpretation, the select committee system was an opportunity for members to specialize, and for particularly productive members to play a larger role. In this view, variables that map onto members' ambition or capacity for work would be significant predictors of the number of committees a member served on.

To this end, we now ask: did some types of members serve on more committees than others? We begin answering this question by analyzing the relationship between valence traits — prior experience, education, and seniority — and the number of select committees a particular member was assigned to.[9] The first variable we examine is seniority, which we measure as simply the number of previous Congresses a member served in. Using the "McKibbin dataset" from the ICPSR (Study 7803), we construct dummy indicators for whether a particular member of Congress had a college education, held prior federal office, or held prior state office.[10]

As a first cut into the data, we turned each of these valence categories into a dummy variable and then calculated the mean difference in the number of committees across categories.

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[9] In this analysis, we rely on the "McKibbin data" for measures of member valence characteristics. Inter-university Consortium for Political and Social Research, and Carroll McKibbin. Roster of United States Congressional Officeholders and Biographical Characteristics of Members of the United States Congress, 1789-1996: Merged Data [computer file] 10th ICPSR ed. Ann Arbor: MI: Inter-university for Political and Social Research [producer and distributor], 1997.

[10] Unfortunately, a small number of members are missing from the McKibbin dataset. In our analysis, when we incorporate information about prior experience, we proceed from the assumption that the data are missing at random.

We conduct a two-sample *t*-test separately for each Congress, comparing members with that trait to members without it, with respect to total committees. We display the results in Figure 6. In order for the results to be interpretable across Congress, we divide the number of committees by the standard deviation of number of committees for each Congress. For instance, in the First Congress, the average member with previous federal government experience served on 16.3 committees, while the average member without such experience served on 12.0 committees.[11] The standard deviation for that Congress was 8.6. Dividing by the mean for each group results in a value of 1.8 and 1.3, respectively. The difference, 0.57, is plotted as the very first point in Figure 6a.[12]

[Figure 6 about here]

As a descriptive matter, House members who had had prior service in the national government before entering the House and those who had attended college tended to serve on more committees than those who were new to the federal government or who were less well educated. Majority party members dominated select committees for most of the first six Congresses.[13] Those who had prior experience in state government and southerners did not have a persistent advantage in committee service throughout this period.

However, valence variables are correlated with one another, which makes the interpretation of the results difficult. In order to surmount this, we employ a regression-based approach.

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[11] For this paper, we rely on the Martis (1989) party codes. Doing so, we recognize that the results begin to break down under the Era of Good Feelings, toward the end of the period we cover in this paper. We will address this issue in future iterations of the research.

[12] For the biographical variables, we plot the data from the subset of members that have biographical background data. For the remaining variables, we plot the differences from the entire dataset.

[13] The steep negative dip in Figure 6d for the 3rd Congress may be due to ambiguity over which party actually had a majority in this Congress.

For each Congress, we separately estimate an OLS regression of the log of the total number of committees against dummy indicators for college education, previous state experience, and previous federal experience.[14] For each regression, we divide the outcome (log number of committees) by its standard deviation, in order to make the effect sizes more interpretable. Figure 7 shows the coefficients for each of those variables. As the plots show, the effect of previous state experience is small and indistinguishable from zero, but the effects for the other two variables are large, and frequently statistically differentiable from zero. The effect of a college degree is often a quarter of a standard deviation increase or more, and the effect of prior federal experience often has the largest effect, in some Congresses resulting in an increase of over 50% of a standard deviation.

[Figure 7 about here]

On the whole, then, even under statistical controls, select committee service in the early Congresses was correlated with prior federal experience and education. In retrospect, it is easy to dismiss this as an obvious and expected finding. However, because of egalitarian norms at the time, it is not obvious that such expectations would hold.

The effect of party, ideology, and region

We now turn to the effects of party, ideology and region. First, descriptively, did certain types of members serve on more committees? Our analysis suggests that the answer is yes. Figure 6, as discussed above, shows the raw difference in the number of committees between majority and non-majority, northern and southern, college graduates and those without a college degree, and those with previous office experience, and without it. As that figure shows, members of the

[14] We added 0.01 to the number of committees for every member, to account for members who served on no committees.

majority party served on more committees, on average, than did members of minority parties. Members from Southern states also enjoyed a slight advantage. Those with a college degree, and those with previous experience in federal office, served on systematically more committees.

Simply comparing the means for these different groups within the population of House members is important, in that it has implications for representation, but in order to be able to make inferences about the committee-generating process, we return to the regression-based approach we used above. Again, we run a series of regressions, separately for each Congress, regressing the standardized log number of committees a member served on against his party status, his first and second dimension DW-NOMINATE scores,[15] and whether he was from a southern state. Figure 8 shows the results.

[Figure 8 about here]

Figure 6d showed that members of the majority party often served on more committees, and Figure 8a suggests that that pattern was unlikely to result from chance alone. Rather, it appears that, even controlling for region and voting alignment, members of the majority party enjoyed an advantage when it came to receiving select committee assignments up through the sixth Congress. Likewise, Southerners enjoyed a consistent, but much smaller, advantage starting with the Sixth Congress. Perhaps most intriguing is the pattern we find for NOMINATE scores. In the first ten Congresses, the effect of first dimension DW-NOMINATE scores was substantively large and distinguishable from zero, and in the second ten congresses, the second dimension appeared to increase in importance.

[15] We are cautious about interpreting DW-NOMINATE scores in this context. Rather than think about NOMINATE scores as "ideology," we tend to think of them as distinguishing members along a strong/weak federal government dimension — at least until the onset of the "Era of Good Feeling," when the Congress entered into what Poole and Rosenthal have called "spatial chaos."

Technically, these scores are post-treatment. In order partially address this, we also regress the number of committees against that member's previous DW-NOMINATE score. We can only do this for members who have already served at least one term, but among that subset of the population, the same pattern persists.

Finally, we consolidate this analysis by estimating three additional models that explore this analysis in a multivariate context: a Poisson GLM regression with fixed effects for Congress, an OLS regression with the same formula, and an OLS regression with congressional and member fixed effects. (The number of select committees is the dependent variable. The unit of analysis is the member-Congress.) The results are reported in Table 3.

[Table 3 about here]

The first two columns of Table 3 report the same underlying model, just estimated using different techniques. In each case, we see that majority party members, southerners, veteran House members, college graduates, and members who had previously held federal office appeared on more select committees. In the OLS model, the "prior state office" variable was also significant. In general, then, select committee service was not randomly and equally distributed during this period.

The final two columns of Table 3 attempt to leverage the fact that some members served multiple Congresses, sometimes spanning majority and minority status, to test the robustness of the majority-party effect in the previous two columns. We do this by estimating two two-way fixed effects models: one regressing the standardized log number of committees against majority party status, and another regressing the same outcome against majority party status, seniority, and seniority squared. For both models, the majority party coefficient is virtually unchanged

from the pooled regression models, which serves as some evidence that party control had some influence on select committee membership, even in this time of developing institutional parties.

One limitation with the regression approach above is that we are only examining the partial correlations between a relatively small number of variables. In traditional regression approaches, the number of covariates cannot exceed the number of observations, and conducting an analysis separately by congress therefore restricts the number of variables that can be included. However, we have a range of biographic and political variables associated with each member.

To address this, we turn to a form of penalized regression known as Least Absolute Shrinkage and Selection Operator, or LASSO. LASSO is a commonly-used approach in a variety of disciplines, including increasingly political science (see Tibshirani 1996 for the canonical discussion). LASSO functions like a standard regression approach, finding the coefficients the minimize the sum of squared residuals, except that LASSO has an additional constraint that the absolute value of the coefficients must fall under a certain value. In practice, this means that LASSO can take in a very large number of covariates (larger than the number of observations), and select a small number of covariates that best predict the outcome. As such, it is ideal for our data, where we have a large number of variables for each member per Congress, but a relatively small number of members per congress, and we want to pull out the variables that are most predictive in each Congress.

We estimate LASSO separately for each congress, using the *glmnet* package in R. We use a Poisson GLM regression, and use k-fold validation to select the ideal penalty parameter. For each congress, we identify the variables that were non-zero in the model. Figure 9 shows the results. For simplicity, we include only variables that were picked up in at least two separate

congresses. The color blue indicates the variable was non-zero had a positive non-zero coefficient, white indicates a coefficient of zero, and red indicates a negative coefficient.

In line with the third theory of select committees, the most consistent predictors or the number of committee assignments were seniority, being a lawyer, previous federal experience, and age. However, variables associated with ideology, party or faction, including NOMINATE scores, majority party status, and region did come up in multiple congresses.

The Structure of Aggregate Select Committee Composition

We have shown that certain types of members served on more committees than others. Did that have an impact on the proportion of committees that were controlled by various regional and party factions? Control, that is, holding a majority of seats on committees, is necessary for committees to exercise agenda control or gatekeeping authority over legislation.[16]

Specifically, we examine whether the proportion of committees controlled by members of the majority party, or the south, is greater than what we would expect if committees were assigned randomly with respect to these factors.

To do this we first employ a randomization-based approach. For each Congress, we permute the majority party status and the region (north/south) of each member. For each permuted Congress, we calculate the proportion of committees controlled (over 50% membership) by the majority party, and the proportion controlled by southerners. We then compare the observed proportion to the mean of 200 simulations.

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[16] We enter this analysis recognizing that we have little solid knowledge of what the norms of committee voting and deliberation were during this time. In the earliest years, it is assumed that select committee members were "committee" to the course of action initially agreed to by the resolution creating the committee. However, there is a difference between agreeing to a general principle and agreeing to the details. Because select committees were expected to report back, and usually did, control of committees will be less important for gatekeeping power. However, if the purpose of committee deliberations was to put inchoate ideas onto paper, then the agenda-setting power could still be important.

Figure 10 shows the differences over time.[17] They suggest that, beyond the individual-level benefits we find for being in the majority party, at the aggregate level, the majority party controlled more committees than we would expect if committee assignments were assigned randomly. Conversely, although southerners tended to serve on more committees, at the aggregate level, they *controlled* fewer committees than random selection would have entitled them to.

[Figure 10 about here]

In addition to the fact that majority party and southern members served on more committees on average, it could theoretically be the case that the committees were stacked in such a way as to further increase the proportion of committees that they controlled, namely by spreading out members across committees to gain a small majority in many committees, leaving a few committees entirely or almost entirely composed of minority party (or northern) members.[18] To test for this, we again employ a randomization approach. For each Congress, we permute committee assignments, holding constant the number of committees each member served on, as well as the number of members each committee has. This allows us to test for whether committees were effectively gerrymandered to give a particular group more benefits beyond their members serving on more committees.

Figure 11 shows the results. After controlling for the number of committees each member served on, the majority party and the south do not control a greater proportion of committees than we would expect if committees were assigned randomly. If anything, they are

[17] For instance, the first point on the graph may be interpreted as saying that in the First Congress, the pro-Administration (majority) party controlled 10 percentage points more select committees than would have been expected if committee composition had been determined randomly with respect to party.

[18] One way of thinking about this is in the gerrymandering context. If disfavored factional members were packed into a few committees, then the favored factional members would have greater influence over a wider variety of issues.

under-represented. These results suggest that while majority party and southern members were assigned to more committees, beyond that, the committees themselves were not assigned in such a way as to gain control over the largest number of committees. If the majority party tried to use the select committee system assignments to maximize their control over the select committee system, they did not do a particularly effective job of it.

[Figure 11 about here]

The Overall Structure of Congressional Select Committee Networks

Thus far, we have explored the determinants of the number of committees a member served on, as well as the implications of those findings for aggregate control over committees. The overall level of our analysis was primarily the individual member. In this section, we focus on the overall network structure of the select committee system. We conceptualize each individual Congress as a social network, where each node corresponds to a member, and edges between nodes signify that those members served on a committee together.

Our property of interest is the level of *clustering* for each individual Congress. Clustering is a commonly-studied concept in networks, and it refers to, in all cases where one node links to two other nodes, how many times do those two nodes themselves connect? It is in colloquial terms a measure of how "cliquish" the network is.[19] Clustering is typically measured as a ratio of the amount of actual clustering divided by the amount of clustering we would expect if nodes were connected randomly. Because members are coded as being connected if they serve on a committee together, the committee structure itself induces some clustering, since all members on the same committee are automatically connected to each other. To adjust for this, as is standard

[19] A clique is a technical term in network analysis, but in this context, we mean cliquishness in the common sense of the word.

practice, we divide the clustering coefficient by the amount of clustering we would expect if the committees were randomly assigned. To do this, we permute each Congress 200 times, holding constant the number of committees for each member, and the sizes of each committee. We then divide our clustering ratio by the mean of those permutations.

The results are shown in Figure 12. In the first few Congresses, there was less clustering than we would expect if committees were assigned randomly, but starting around the 12th Congress, there was a steady increase in clustering. This may reflect two factors. First, in the first few Congresses, there were so many committees to be assigned and such rudimentary recordkeeping that it may have been difficult to re-constitute previously appointed committee configurations even if it was desired. As time progressed, select committees became much less common, making it easier to appoint several committees in one Congress with similar memberships. Second, it was in the 1810s when the House started regularly appointing the "quasi-standing committees" that are discussed above. It is possible that this practice alone may be driving the discontinuity in the normalized clustering ratio reported in Figure 12.

[Figure 12 about here]

Conclusions

The purpose of this paper has been to renew analysis into the early committee system of the House of Representatives, in order to understand the dynamics of that system, both as it behaved in its earliest form, and as it transformed from one dominated by select committees to one dominated by standing committees.

Members of the earliest Congresses were, on the whole, experienced with the ways of legislatures and knowledgeable about the institutional failings of the Congress of the Confederation. They were presumably willing to create a new national legislature that was more

institutionally capable than the old one, and more likely to agree to practices that would prejudice the new Congress toward action. Still, as members of Congress occupied the institution and began to legislate, they had to decide how much inequality they were willing to tolerate in the distribution of influence in the chamber.

The analysis in this paper is preliminary. There are some questions whose answers seem clear even at this early stage. It is clear, for instance, that the House moved fairly quickly to establish standing committees where they saw routinized business come before it, such as claims, appropriations, taxing, and commercial matters. This probably means that influence over legislation in these matters was mal-distributed from a very early point in the House's history, though that is a conjecture that must be tested. It is also clear that members of the House put up with a more general mal-distribution of influence in the consideration of less routine matters, as experienced, educated, majority-party members dominated the composition of the select committee system for most of this period.

But, it is not clear yet how entrenched this mal-distribution was from Congress-to-Congress. Moreover, one aspect of committee assignments that was likely important but which we have not yet explored is the role of the speaker's party and region. Although the speaker was often from the majority party, in this time period, that was not always the case (Jenkins and Stewart 2012). Comparing the power of majority party members to speaker's party members will shed further light into the processes that generated the committees, as well as the centers of power in Congress. Most of our analyses still have a lot of noise in them, which suggests that whatever social regularities were beginning to emerge were doing so slowly. That suggests that there is quite a bit more work to be done before we settle on a complete description of how the congressional committee system emerged from its humble beginnings.

Finally, there is the question of how dispersed or concentrated political influences was in crafting legislation in the House. Because the complete time covered by this paper cover a period when the House transformed from select committee dominance to dominance by standing committees, the analysis will be incomplete until we combine the analysis reported here with complementary analysis involving the standing committees. It bears noting that even as legislation slide from being overseen by select committees to being oversee by standing committees, a significant portion of the House was denied membership on either type of committee. For instance, by the end of the period, only about 3/5 of House members even served on a single standing committee. At a time when national politics was presumably democratizing, it is not at all clear whether the evolving committee structure in the period covered here was in step with these larger political currents.

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Figure 1. Number of select committees appointed, 1st–20th Congress

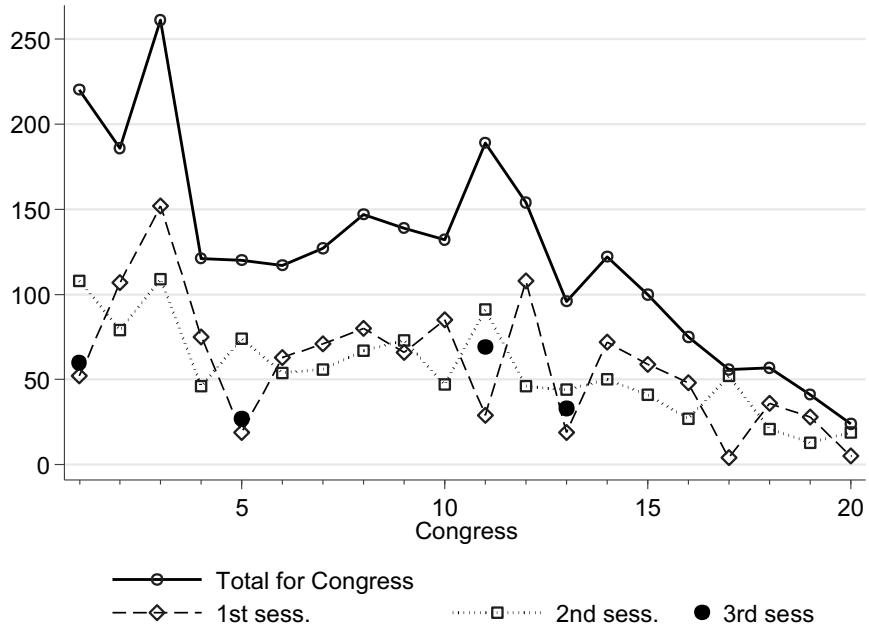


Figure 2. Number of standing committees appointed, 1st–20th Congress

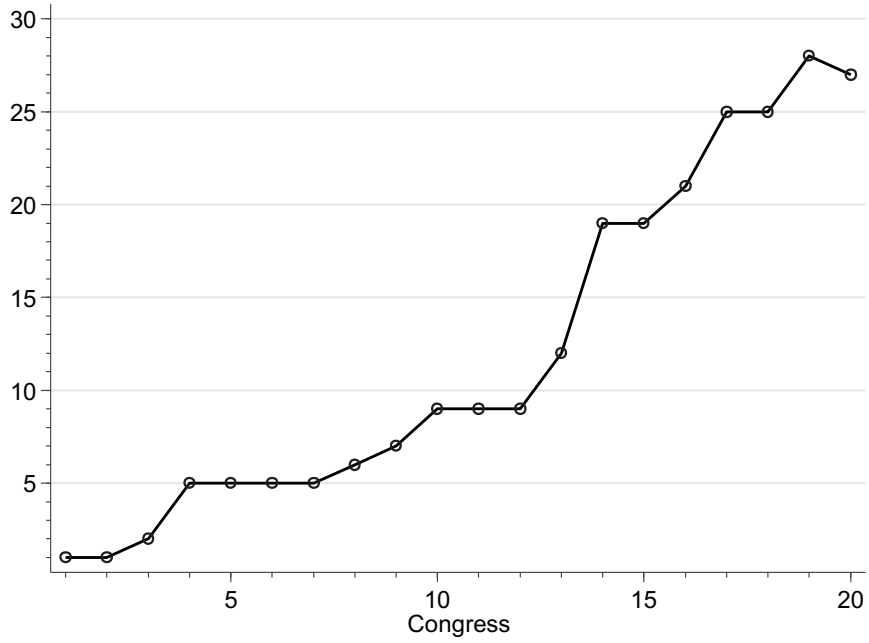


Figure 3. Referrals to select and standing committees, 1st–20th Congress

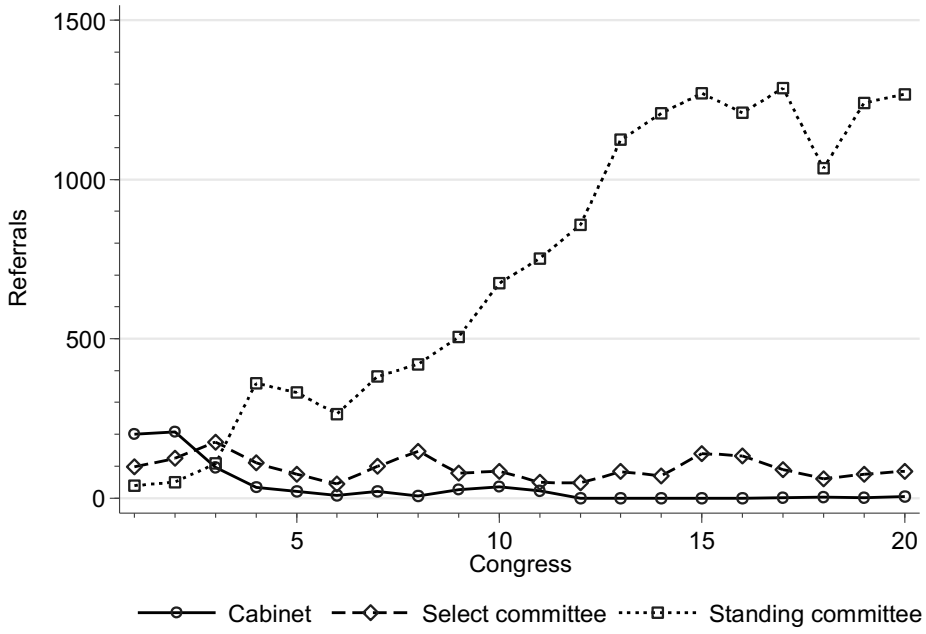


Figure 4. Percentage of select committees that reported back to the House before the end of the session appointed, 1st–20th Congress.

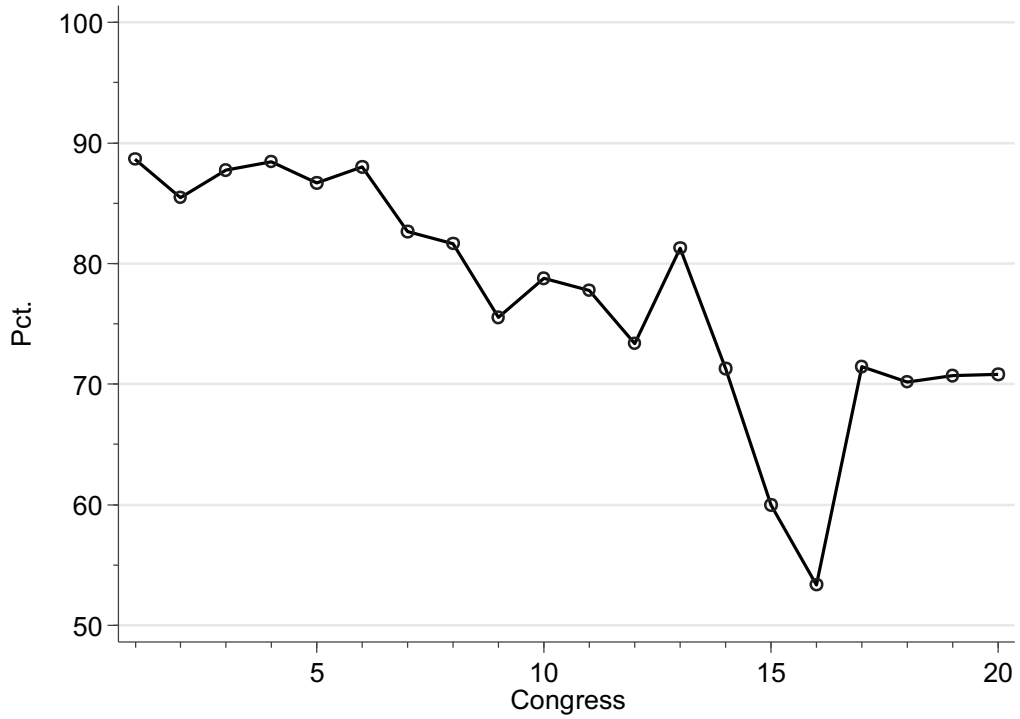


Figure 5. Distribution of the number of select committees served on by members of the House, 1st–20th Congress.

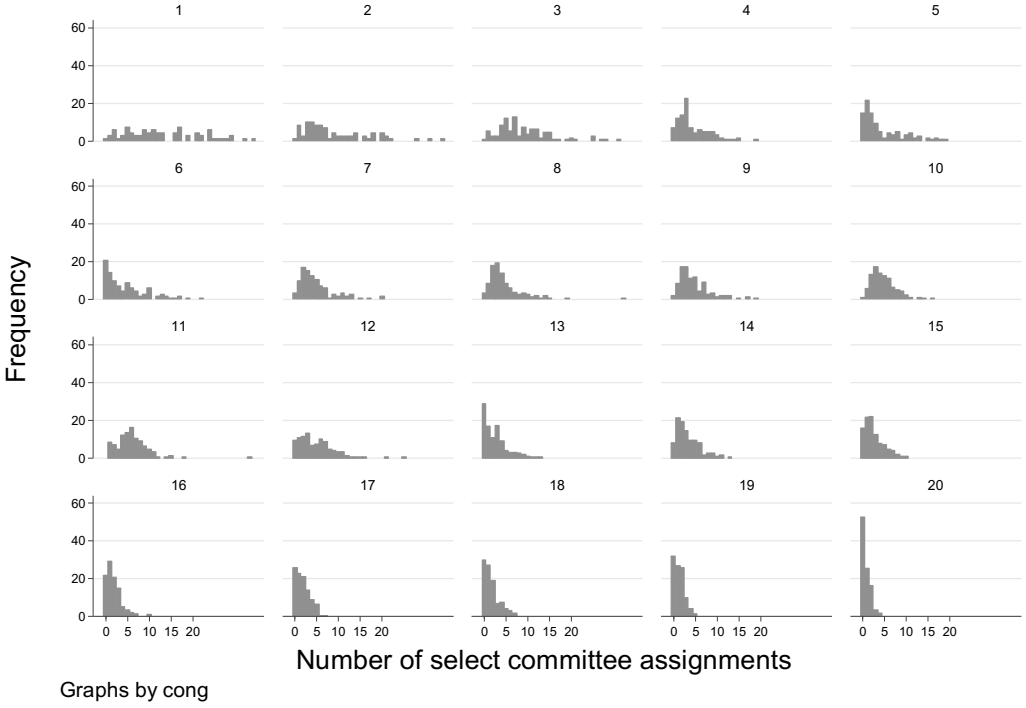
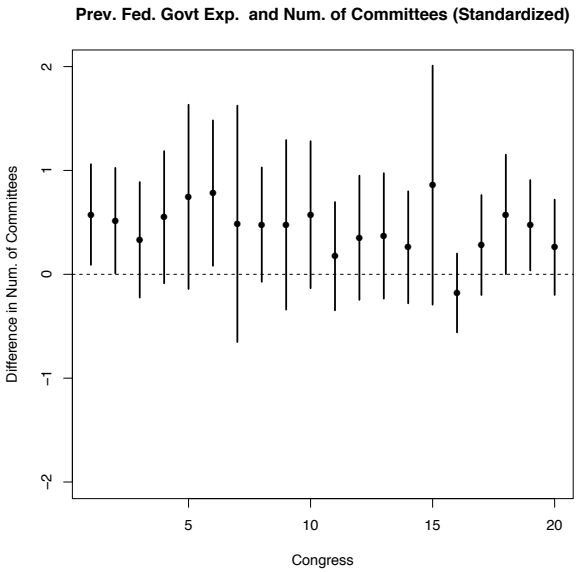
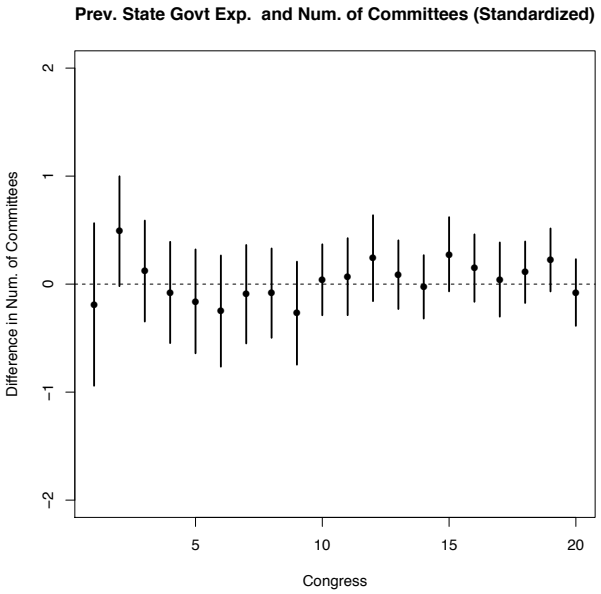


Figure 6. Raw difference in the standardized number of committees, with respect to prior federal office, prior state office, possession of a college degree, majority party status, and representing a southern district.

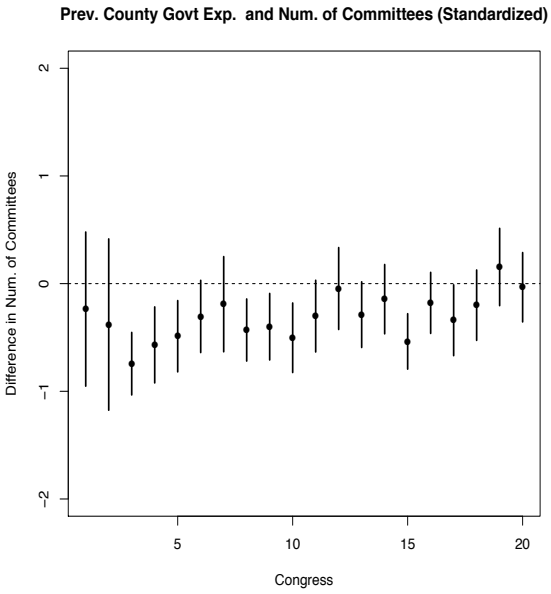
a. Federal office experience



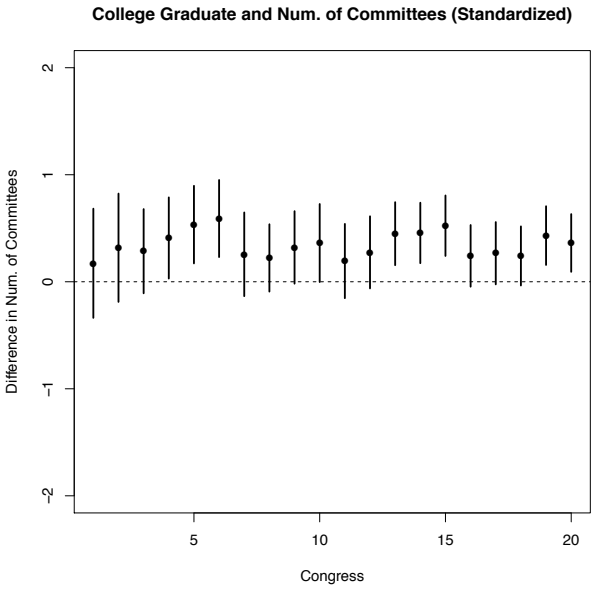
b. State office experience



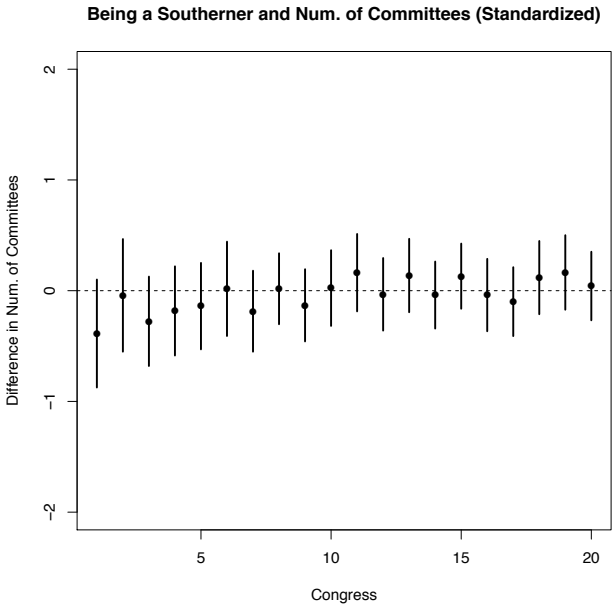
c. County office experience



d. College degree



e. Region (North/South)



f. Majority party status

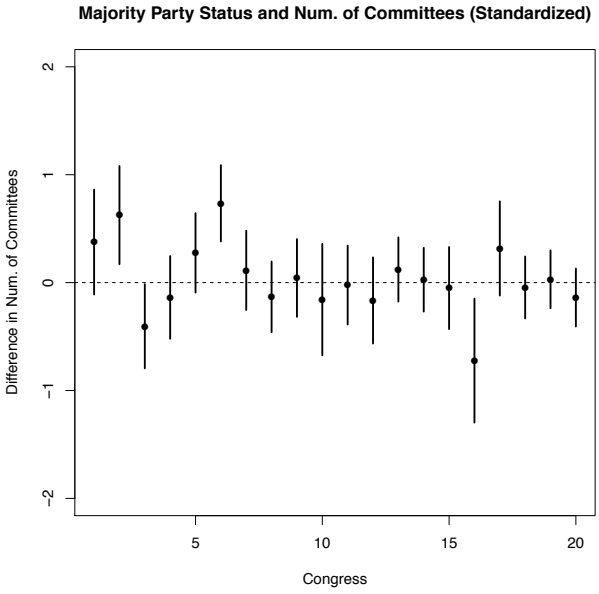
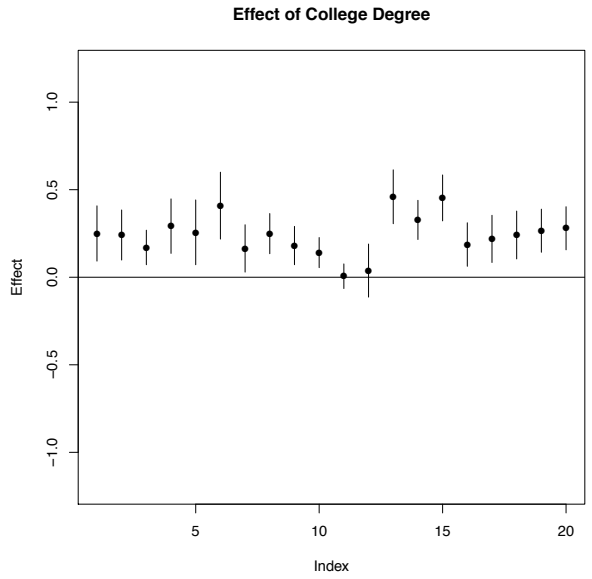
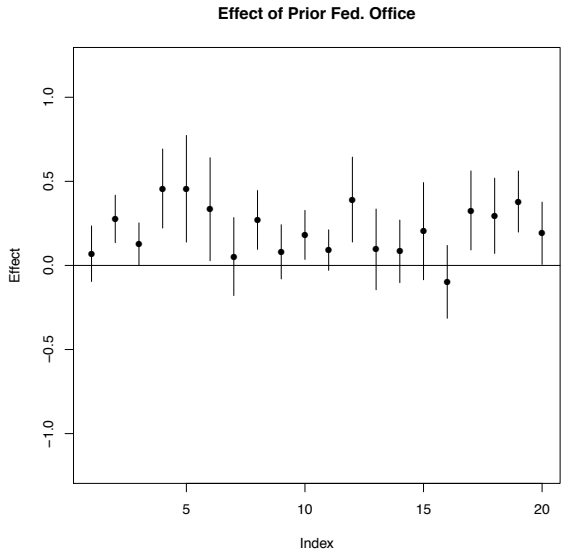


Figure 7. The effect of a college degree, prior federal office, and prior state office on the number of committees (logged and standardized), controlling for those other covariates.

a. College degree



b. Federal office experience



c. State office experience

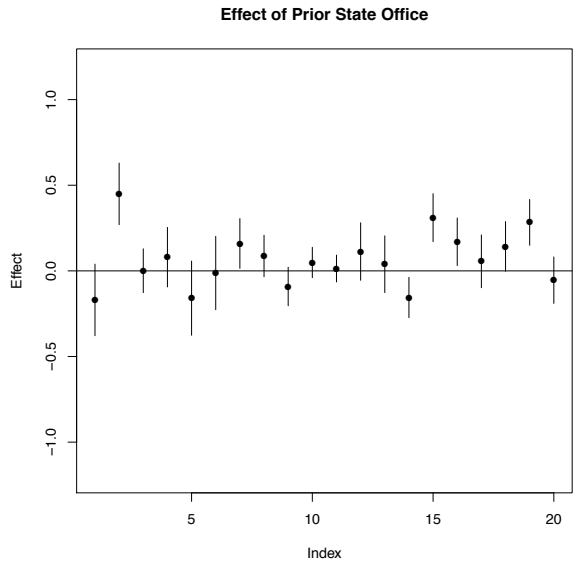
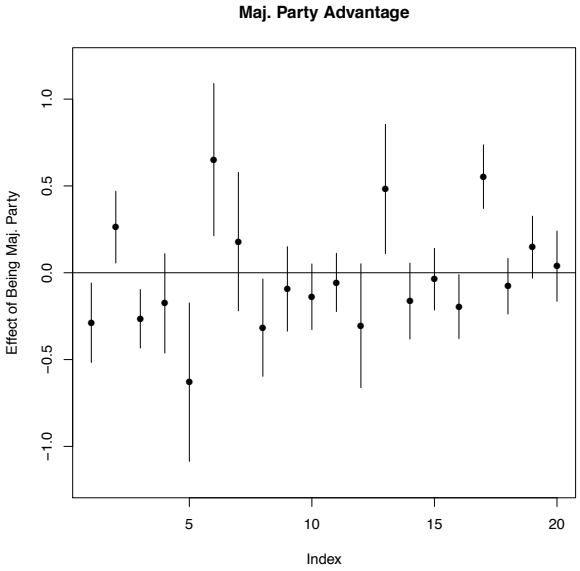
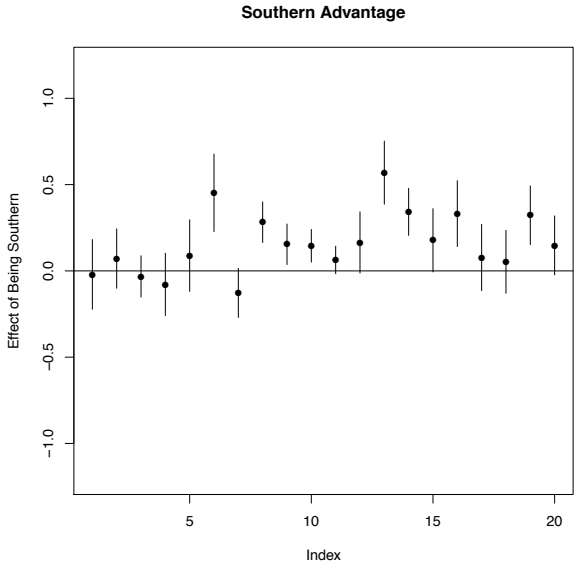


Figure 8. The effect of majority party status, being from the South, and DW-NOMINATE scores on the number of committees (logged and standardized), controlling for those other covariates.

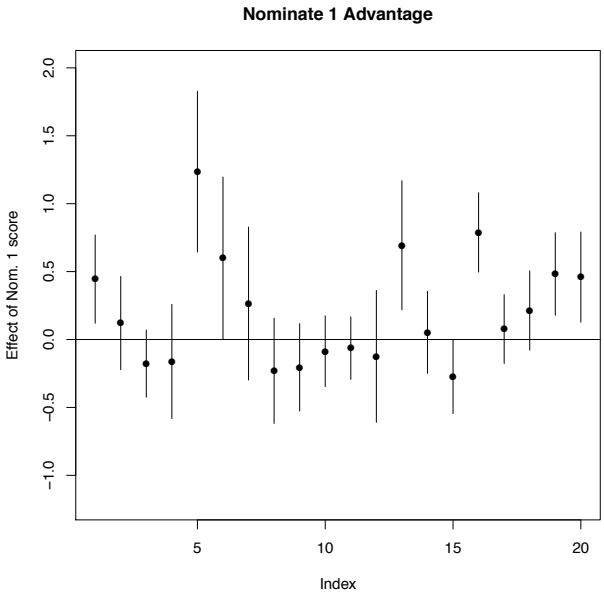
a. Majority party



b. South vs. non-south



c. DW-NOMINATE dimension 1



d. DW-NOMINATE dimension 2

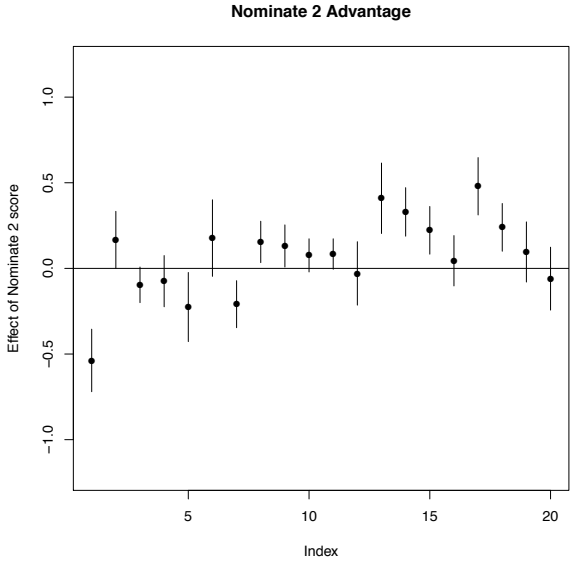


Figure 9. The results of the LASSO regression

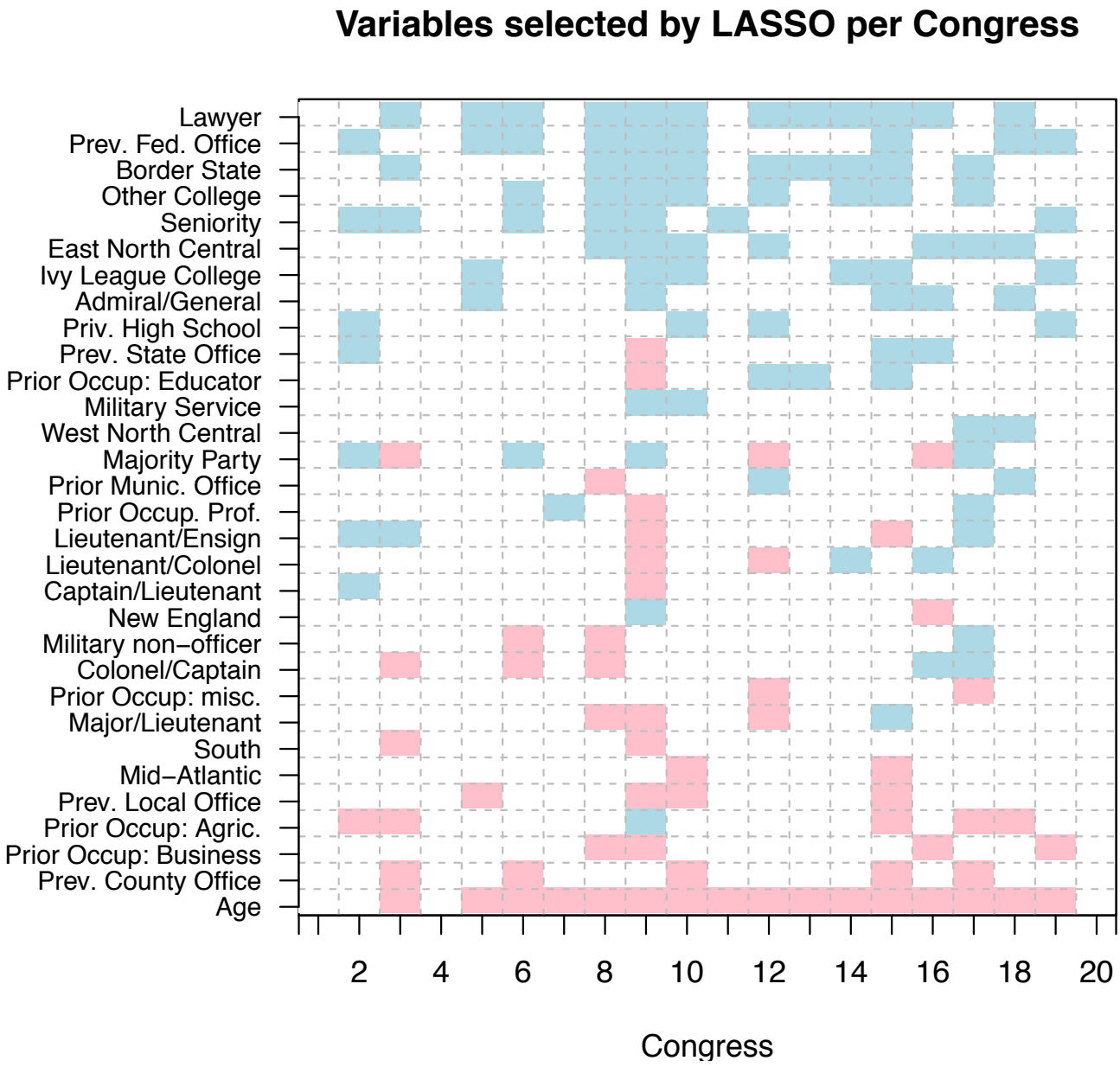


Figure 10. The proportion of committees controlled by the majority party or the south, compared to the mean of permuted Congresses**.**

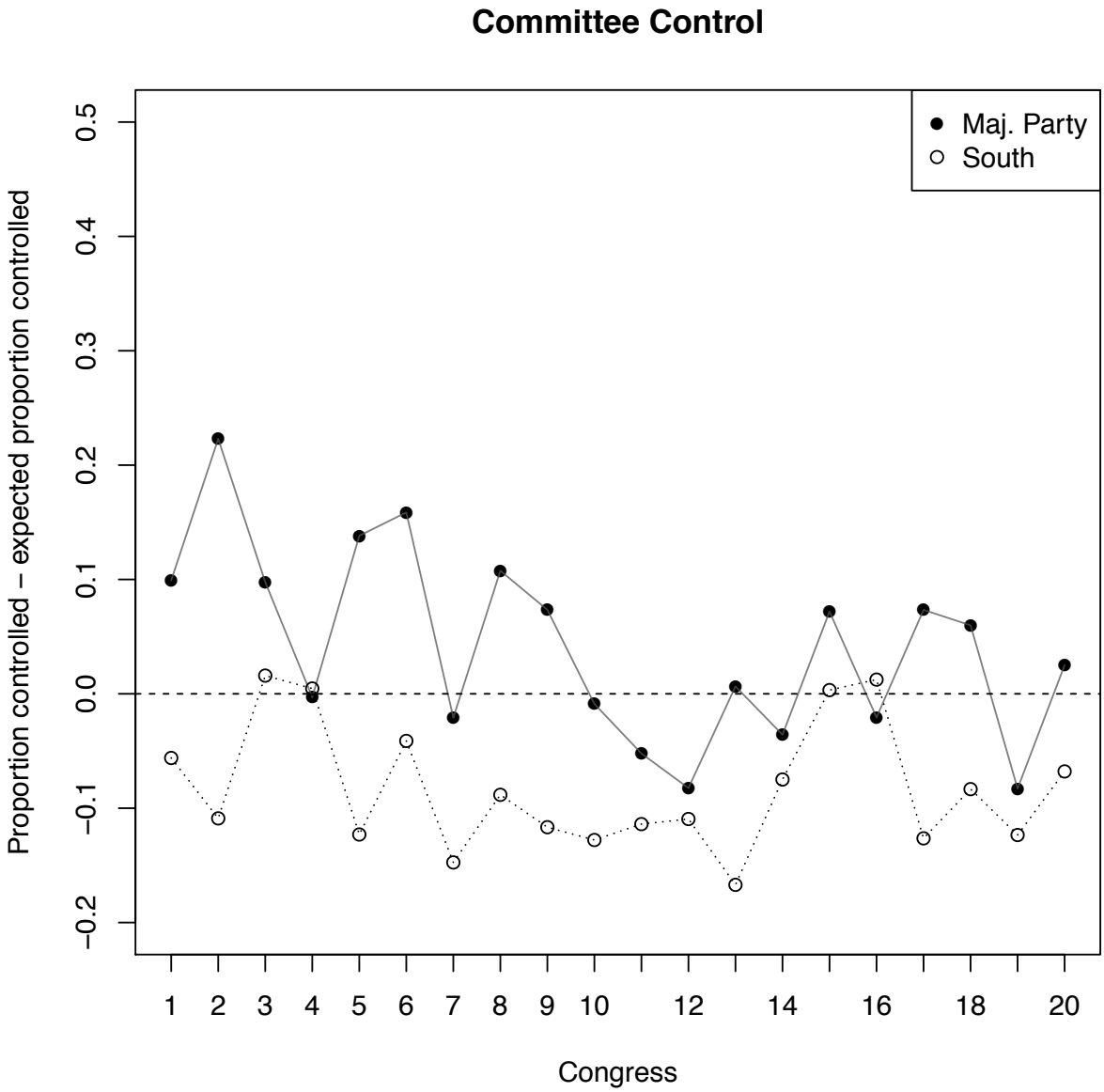
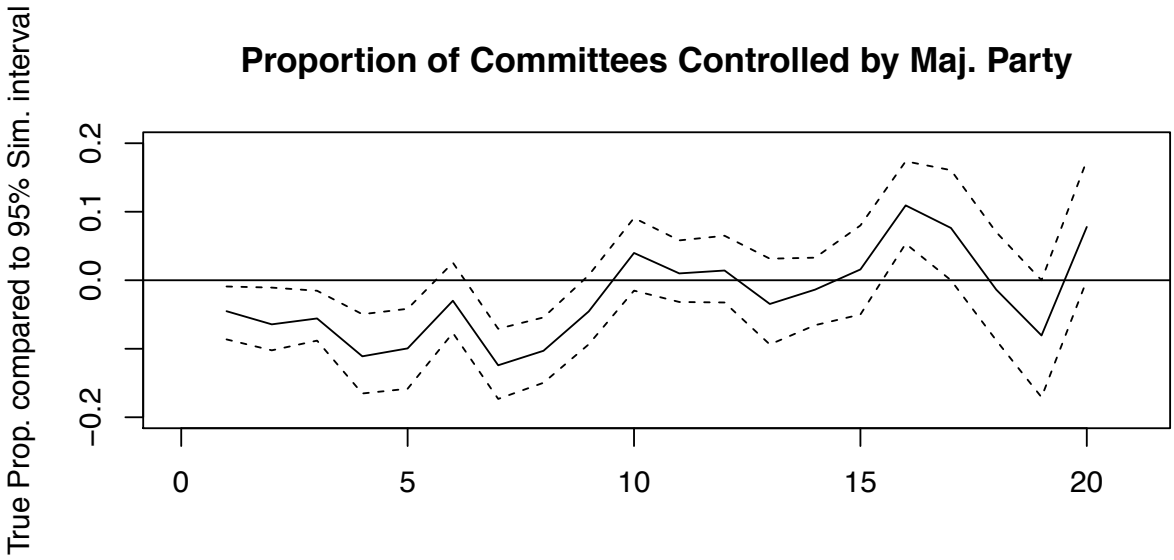


Figure 11. The proportion of committees controlled by the majority party or the south compared to random assignments, holding the total number of committees per member and committee size constant.



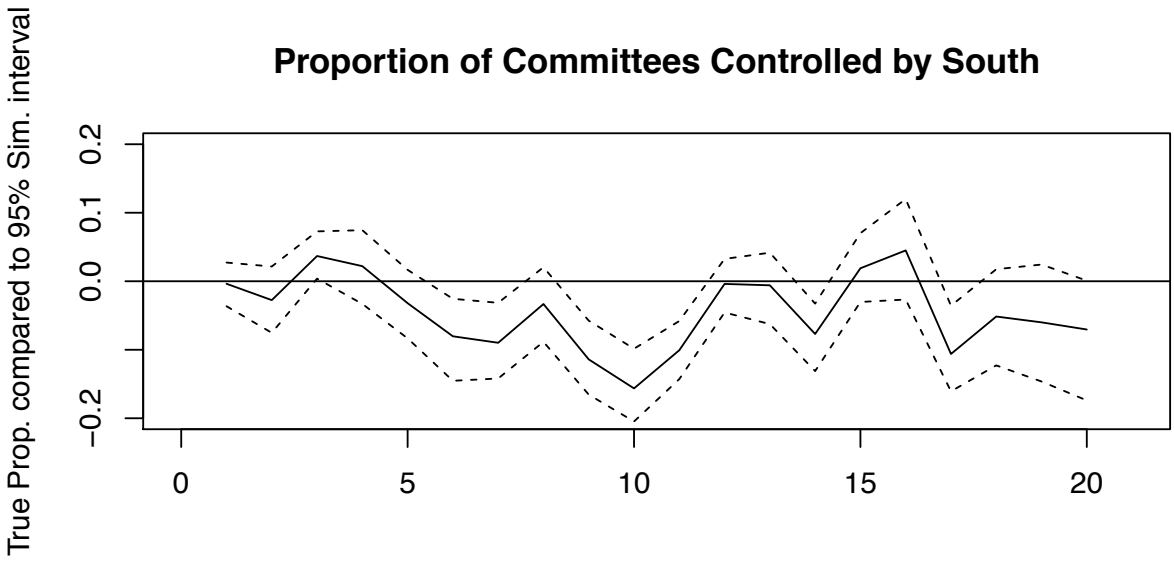


Figure 12. Clustering Ratio for the first 20 congresses

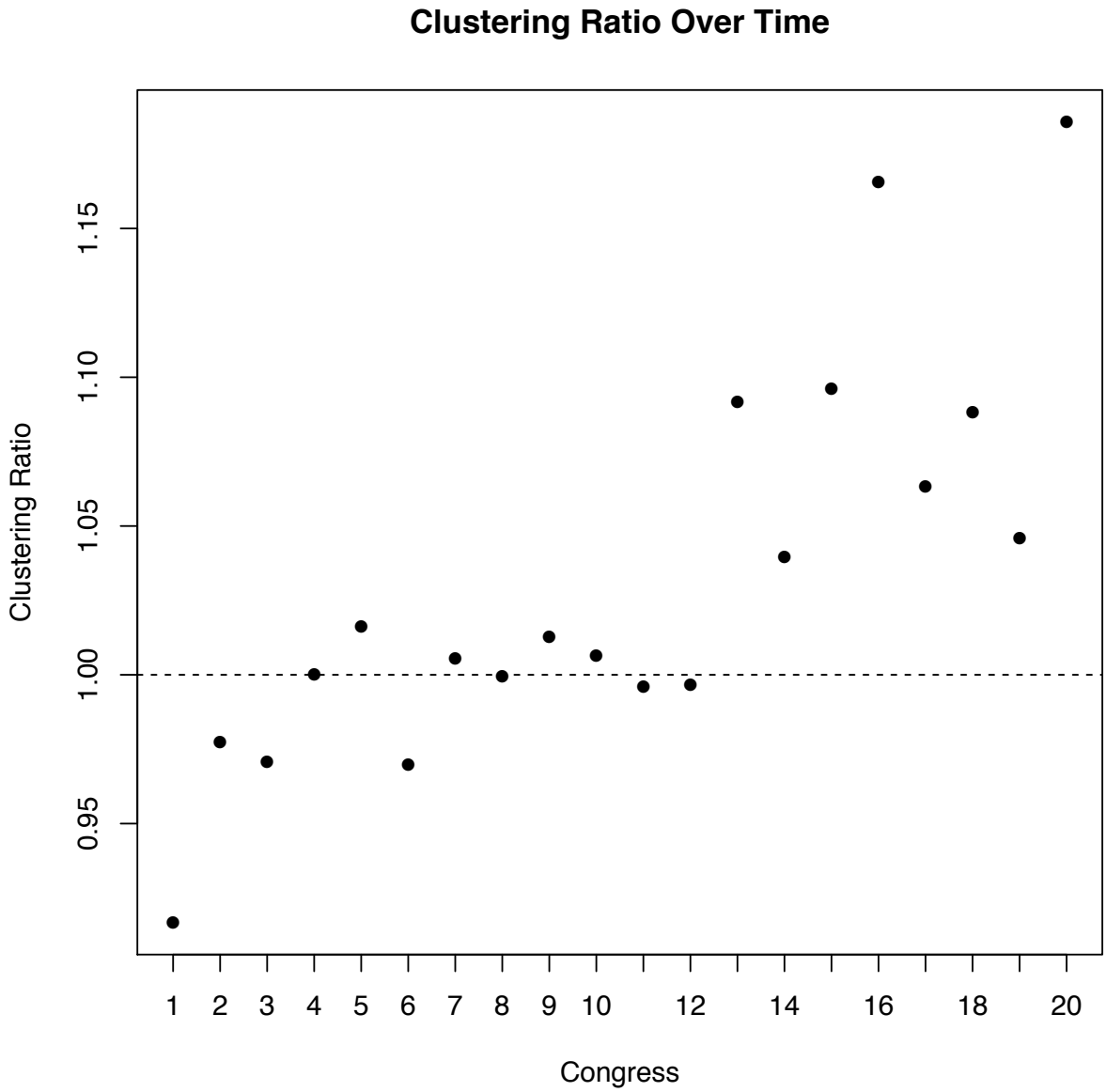


Table 1. Standing committees created in the House, 1st–20th Congress

Cong.	Speaker	Housekeeping/ Internal	Claims/ Private legislation	General legislation	Executive oversight
1	Muhlenberg	Elections			
2	Trumbull				
3	Muhlenberg		Claims		
4	Dayton	Revisal & Unfinished Business		-Commerce & Manufactures* -Ways & Means	
5	Dayton/Dent				
6	Sedgwick				
7	Macon				
8	Macon	Accounts			
9	Macon			Public Lands	
10	Varnum	District of Columbia		Post Office & Post Roads	
11	Varnum				
12	Clay				
13	Clay/Cheves		Pensions & Revolutionary Claims**	Judiciary	Public Expenditures
14	Clay		Private Land Claims		Expenditures in the Departments of State, Treasury, War, Navy, P.O. and in Public Buildings (6 committees)
15	Clay				
16	Clay/Taylor			Agriculture	
17	Barbour			-Indian Affairs -Foreign Affairs -Military Affairs -Naval Affairs	
18	Clay				
19	Taylor		Military Pensions	Territories	
20	Stevenson				

*Separate committees on Commerce and Manufactures were appointed in the 16th Congress
**Name changed to Revolutionary Claims in the 19th Congress.

Table 2. Referrals to standing committees in the House *Journal*, 1st–20th Congress.

	Congress																			
Committee	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Elections	4	0	5	9	4	1	3	20	3	12	10	3	9	11	10	8	6	8	9	1
Claims	-	-	69	134	92	98	84	124	140	121	232	249	251	178	193	173	191	120	138	124
Commerce and Manufactures	-	-	-	83	60	63	71	76	79	111	143	133	53	109	105	83	118	60	-	-
Revisal And Unfinished	-	-	-	0	2	5	0	0	0	2	0	0	1	0	0	0	0	0	0	0
Ways and Means	-	-	-	16	19	14	31	34	54	36	33	92	182	157	136	95	94	94	91	104
Accounts	-	-	-	-	-	-	-	0	2	2	0	0	1	0	0	2	1	0	1	1
Public Lands	-	-	-	-	-	-	-	-	73	59	82	103	107	136	96	84	111	95	114	107
District of Columbia	-	-	-	-	-	-	-	-	-	27	35	33	29	29	17	25	34	23	29	28
Post Office and Post Roads	-	-	-	-	-	-	-	-	-	100	98	72	135	114	95	89	84	63	69	79
Judiciary	-	-	-	-	-	-	-	-	-	-	-	-	17	30	43	66	69	60	68	79
Pensions and Revolutionary Claims	-	-	-	-	-	-	-	-	-	-	-	-	137	169	155	133	109	101	-	-
Public Expenditures	-	-	-	-	-	-	-	-	-	-	-	-	1	5	1	0	0	1	2	0
Expenditures in the Executive Departments*	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	3	6	0	4	3
Private Land Claims	-	-	-	-	-	-	-	-	-	-	-	-	-	28	94	57	43	59	69	62
Agriculture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	3	2	2	7
Foreign Affairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	33	26	44
Indian Affairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	17	35	27
Military Affairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	76	60	79	45
Naval Affairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	38	41	47	51
Commerce	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	101	106
Manufactures	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	28
Military Pensions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	92	120
Revolutionary Claims	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75	70
Territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	11

*Includes referrals to all six committees with jurisdictions to oversee expenditures in the executive departments.

Table 3. Regression of the number of select committees on party and valence factors. (Standard errors in parentheses)

	Poisson regression	OLS	OLS	OLS
Majority party member	0.10 (0.02)	0.22 (0.08)	0.17 (0.05)	0.17 (0.05)
From the South	0.062 (0.019)	0.20 (0.07)	—	—
Years of House service	0.13 (0.02)	0.17 (0.05)	—	0.077 (0.032)
Years of House service squared	-0.020 (0.003)	-0.025 (0.007)	—	-0.005 (0.003)
Attended college	0.26 (0.02)	0.55 (0.08)	—	—
Prior federal office	0.28 (0.03)	0.52 (0.12)	—	—
Prior state office	0.02 (0.02)	0.18 (0.08)	—	—
Constant	2.23 (0.05)	1.36 (0.27)	—	—
N	2,987	2,987	2,996	2,996
llf	-7289	—	—	—
R^2	—	.29	.008	.008
Congress fixed eff.	Yes	Yes	Yes	Yes
Member fixed eff.	No	No	Yes	Yes